

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF:	)	
	)	
	)	FINDING OF VIOLATION
City Demolitions	)	
Detroit, Michigan	)	EPA-5-00-MI-14
	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	

---

**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that the City of Detroit, Department of Public Works, Demolition Division has violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, the City of Detroit, Department of Public Works, Demolition Division has violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos at 40 C.F.R. part 61, subpart M as follows:

**Regulatory Authority**

1. The NESHAP for asbestos applies to the following facilities:
  - a. Former beauty shop, 21231 Fenkell, Detroit, Michigan
  - b. Former Dairy Queen, 22351 Fenkell, Detroit, Michigan
  - c. Former repair garage, 14845 Mack, Detroit, Michigan
  - d. Former commercial facility, 12750 West Grand River, Detroit, Michigan
  - e. Former commercial facility, 8042 Michigan Avenue, Detroit, Michigan
  - f. Former commercial facility, 5601 Michigan Avenue, Detroit, Michigan
  - g. Former commercial facility, 903 West Grand Boulevard, Detroit, Michigan
  - h. Vacant apartment building, 2750 Elmhurst, Detroit, Michigan
2. The NESHAP, at 40 C.F.R. § 61.145, requires the owner and operator of an affected facility to properly inspect the facility, notify of their intention to demolish or renovate the facility, and to properly remove all Regulated Asbestos-Containing Material (RACM) from the facility. Specifically:

Pursuant to 40 C.F.R. § 61.145(a), the owner or operator of a demolition or renovation activity, and prior to the commencement of the demolition or renovation, shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable Asbestos-Containing Material (ACM).

Pursuant to 40 C.F.R. § 61.145(b)(1), each owner or operator of a demolition or renovation activity shall provide the Administrator with written intention to demolish or renovate at least 10 working days before asbestos stripping or removal work or any other activity begins.

Pursuant to 40 C.F.R. § 61.145(b)(4)(vi), each owner or operator of a demolition or renovation activity shall estimate the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components. Also, estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.

Pursuant to 40 C.F.R. § 61.145(c)(1), the owner or operator of a demolition or renovation activity shall remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

Pursuant to 40 C.F.R. § 61.145(c)(8), no RACM shall be stripped, removed, or otherwise handled or disturbed at a regulated facility unless at least one onsite representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present.

Pursuant to 40 C.F.R. § 61.145(c)(9), each owner or operator of a demolition or renovation activity shall adequately wet the portion of the facility that contains RACM during the wrecking operation.

### Factual Background

3. The City of Detroit, Department of Public Works, Demolition Division is listed as the owner for the following facilities:

- a. Former beauty shop, 21231 Fenkell, Detroit, Michigan
- b. Former Dairy Queen, 22351 Fenkell, Detroit, Michigan
- c. Former repair garage, 14845 Mack, Detroit, Michigan
- d. Former commercial facility, 12750 West Grand River, Detroit, Michigan
- e. Former commercial facility, 8042 Michigan Avenue, Detroit, Michigan
- f. Former commercial facility, 5601 Michigan Avenue, Detroit, Michigan
- g. Former commercial facility, 903 West Grand Boulevard, Detroit, Michigan
- h. Vacant apartment building, 2750 Elmhurst, Detroit, Michigan

4. The City of Detroit, Department of Public Works, Demolition Division's facilities (listed above in No. 4, a through i) are subject to the requirements at 40 C.F.R. § 61.145. Pursuant to 40 C.F.R. § 61.145(a), the asbestos NESHAP applies to each "owner or operator" of a "demolition or renovation activity" at a "facility", as those terms are defined at 40 C.F.R. § 61.141. Specifically, the owner or operator must provide written intention to demolish or renovate at least 10 working days before any activity begins, and if the combined amount of RACM in a facility being demolished is at least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components or at least 1 cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously, the procedures for emission control set forth at 40 C.F.R. § 61.145 shall apply.

### Violations

5. Specifically, the City of Detroit, Department of Public Works, Demolition Division is in violation of the asbestos NESHAP at the following facilities as described below:

- a. Former beauty shop, 21231 Fenkell, Detroit, Michigan  
The City of Detroit, Department of Public Works, Demolition Division, the owner of the former beauty shop facility at 21231 Fenkell in Detroit, Michigan, failed to provide written notification to demolish the facility at least 10 working days before the activity began. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(1).

- b. Former Dairy Queen, 22351 Fenkell, Detroit, Michigan  
The City of Detroit, Department of Public Works, Demolition Division, the owner of the former Dairy Queen facility at 22351 Fenkell in Detroit, Michigan, failed to provide written notification to demolish the facility at least 10 working days before the activity began. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(1).
- c. Former repair garage, 14845 Mack, Detroit, Michigan  
The City of Detroit, Department of Public Works, Demolition Division, the owner of the former repair garage facility at 14845 Mack in Detroit, Michigan, failed to provide written notification to demolish the facility at least 10 working days before the activity began. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(1).
- d. Former commercial facility, 12750 West Grand River, Detroit, Michigan  
The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 12750 West Grand River in Detroit, Michigan, failed to provide written notification to demolish the facility at least 10 working days before the activity began. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(1).
- e. Former commercial facility, 8042 Michigan Avenue, Detroit, Michigan  
The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 8042 Michigan Avenue in Detroit, Michigan, failed to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable ACM. This is in direct violation of regulation 40 C.F.R. § 61.145(a).  
  
The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 8042 Michigan Avenue in Detroit, Michigan, failed to remove all RACM from the facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the material. This is in direct violation of regulation 40 C.F.R. § 61.145(c)(1).

f. Former commercial facility, 5601 Michigan Avenue, Detroit, Michigan

The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 5601 Michigan Avenue in Detroit, Michigan, failed to have present at least one onsite representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of 40 C.F.R. Part 61, Subpart M, during the removal or disturbance of RACM. This is in direct violation of regulation 40 C.F.R. § 61.145(c)(8).

The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 5601 Michigan Avenue in Detroit, Michigan, failed to adequately wet the portion of the facility that contains RACM during its wrecking operation. This is in direct violation of regulation 40 C.F.R. § 61.145(c)(9).

g. Former commercial facility, 903 West Grand Boulevard, Detroit, Michigan

The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable ACM. This is in direct violation of regulation 40 C.F.R. § 61.145(a).

The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to provide written notification to demolish the facility at least 10 working days before the activity began. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(1).

The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to estimate the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components, and also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility

that will not be removed before demolition. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(4)(vi).

The City of Detroit, Department of Public Works, Demolition Division, the owner of the former commercial facility at 903 West Grand Boulevard in Detroit, Michigan, failed to remove all RACM from the facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the material. This is in direct violation of regulation 40 C.F.R. § 61.145(c)(1).

h. Vacant apartment building, 2750 Elmhurst, Detroit, Michigan

The City of Detroit, Department of Public Works, Demolition Division, the owner of the vacant apartment building at 2750 Elmhurst in Detroit, Michigan, failed to thoroughly inspect the affected facility for the presence of asbestos, including Category I and Category II nonfriable ACM. This is in direct violation of regulation 40 C.F.R. § 61.145(a).

The City of Detroit, Department of Public Works, Demolition Division, the owner of the vacant apartment building at 2750 Elmhurst in Detroit, Michigan, failed to estimate the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components, and also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition. This is in direct violation of regulation 40 C.F.R. § 61.145(b)(4)(vi).

The City of Detroit, Department of Public Works, Demolition Division, the owner of the vacant apartment building at 2750 Elmhurst in Detroit, Michigan, failed to remove all RACM from the facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the material. This is in direct violation of regulation 40 C.F.R. § 61.145(c)(1).

8-23-00

Date



Bharat Mathur, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-00-MI-14, by Certified Mail, Return Receipt Requested, to:

Dwight W. Smith  
City of Detroit  
Department of Public Works  
Demolition Division  
8221 West Davison  
Detroit, Michigan 48238-3098

I also certify that I sent copies of the Finding of Violation by first class mail to:

Timothy McGarry, Enforcement Unit Supervisor  
Compliance and Enforcement Section  
Michigan Department of Environmental Quality  
Air Quality Division  
P.O. Box 30260  
Lansing, Michigan 48909

Gerald Krawiec, District Supervisor  
Wayne County Department of Environment  
Air Quality Management Division  
640 Temple, Suite 700  
Detroit, Michigan 48201-2599

on the 24 day of August, 2000.

Shanee Rucker  
Shanee Rucker, Secretary  
AECAS, (MI/WI)  
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: PL664 397117